

**2004 - Environmental Affairs House Fee Rule (Green)**

***ADMINISTRATIVE RULES REVIEW***

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## **2004 - Environmental Affairs House Fee Rule (Green)**

### **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

#### **58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

**DOCKET NO. 58-0108-0301**

#### **NOTICE OF RULEMAKING - PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2004 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code.

**DESCRIPTIVE SUMMARY:** A detailed summary of the reasons for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 6, 2003, Volume 03-8, pages 140 through 158. The agency received no public comments on the proposed rule; however, the Board revised the rule at Subsection 555.01 by removing "Effective April 15, 2002". The rulemaking record can be obtained by contacting the undersigned.

**FEE SUMMARY:** Pursuant to federal law, the state took over certification of drinking water operators in 2002. Previously, application and examination were voluntary. The rule which transferred certification authority to the state did not include fee provisions for application and testing. The program currently operates partially on fees collected for the testing and renewals and is subsidized by general fund and other program moneys. If the state is unable to collect fees for testing, the public health is placed at risk because the Department of Environmental Quality (DEQ) will not be able to certify current and new operators and verify that they are qualified to perform their duties. Imposition of the fee is authorized by Section 39-119, Idaho Code.

**SECTION 39-107D, IDAHO CODE, STATEMENT:** This rule regulates an activity not regulated by the federal government. The federal government does not regulate certification of drinking water system operators.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.state.id.us](http://www.deq.state.id.us).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking, contact Chris Lavelle at (208)373-0502, [clavelle@deq.state.id.us](mailto:clavelle@deq.state.id.us).

DATED this 14th day of November, 2003.

Paula J. Gradwohl  
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**IDAPA 58, TITLE 01, CHAPTER 08**

**IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

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There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-8, August 6, 2003, pages 140 through 158.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2004 Idaho State Legislature as a final rule.

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*Language That Has Been Deleted From The Original Proposed Rule  
Has Been Removed And New Language Is Shown In Italics*

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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0108-0301

### *SUBSECTION 555.01 (Partial Section)*

#### 555. GRANDPARENTING.

01. **Grandparenting Certificate.** ~~A grandparenting certificate may only be issued to an existing operator in responsible charge of an existing public drinking water system. The grandparenting certificate will be site specific and non-transferable and can only be issued to an operator of a system that has demonstrated their competency to the director and which, because of state law changes to meet these guidelines, must have a certified operator for the first time. The Department shall not accept applications for grandparent certification. Operators holding an existing grandparent certificate must comply with all applicable provisions of these rules in order to maintain their certification. If an operator's grandparent certification lapses, is revoked, or is otherwise not renewed, the operator will be required to meet the current standards for certification set out in these rules.~~ (4-5-00)( )

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### **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

#### **58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**

##### **DOCKET NO. 58-0108-0301 (FEE RULE)**

##### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. This action is authorized by Chapter 1, Title 39, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this proposed rulemaking will be held as follows:

**August 27, 2003, 5:30 p.m.  
Department of Environmental  
Quality Conference Center  
1410 N. Hilton, Boise, Idaho.**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

**DESCRIPTIVE SUMMARY:** The purpose of this rulemaking is to make the following changes to the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08, Sections 003 (Definitions) and 553 through 562 (Drinking Water Operator Certification Rules).

Conform to Section 39-119, Idaho Code, which requires that established fee standards be included in rule text wherever a fee is going to be imposed. The proposed changes will include the standards by which fees will be imposed for operator applications, certification exams, certification renewals, and course evaluations for continuing education units (CEUs).

Make the Drinking Water Operator Certification Rules consistent, where applicable, with the recently adopted changes to the Water Quality Standards and Wastewater Treatment Requirements, IDAPA 58.01.02, Sections 403 through 413 (Wastewater Operator Certification Rules). These proposed changes include making rule language consistent with the Wastewater Operator Certification Rules for the following: definitions, certification requirements for systems, addition of optional voluntary certification, separate eligibility criteria for certifying treatment operators and distribution operators, length of certification renewal cycle, number of CEUs required per certification renewal cycle, and certificate signatures.

It is equally important that federal requirements already in place in the Idaho Rules for Public Drinking Water Systems related to drinking water operator certification not be changed. Federal baseline standards were required for inclusion in the state rule by Section 1419 (b) of the federal Safe Drinking Water Act. Failure to comply with the federal provisions will result in the loss of 20% of the state's annual Drinking Water Revolving Loan Fund capitalization grant from the federal government.

Public drinking water system treatment and distribution operators, owners of public drinking water systems, water purveyors, Association of Idaho Cities, Idaho Water/Wastewater Operator Certification Board, operator training providers, industry associations, and the general public may be interested in this rulemaking.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, the Idaho Department of Environmental Quality (DEQ) intends to present the final proposal to the Board of Environmental Quality in the fall of 2003 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2004 session of the Idaho Legislature if approved by the Legislature.

**FEE SUMMARY:** Pursuant to federal law, the state took over certification of drinking water operators in 2002. Previously, application and examination were voluntary. The rule which transferred certification authority to the state did not include fee provisions for application and testing. The program currently operates partially on fees collected for the testing and renewals and is subsidized by general fund and other program moneys. If the state is unable to collect fees for testing, the public health is placed at risk because the Department of Environmental Quality (DEQ)

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**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Idaho Rules for Public Drinking Water Systems****Docket No. 58-0108-0301 - Fee Rule**  
**Proposed Rulemaking**

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will not be able to certify current and new operators and verify that they are qualified to perform their duties. Imposition of the fee is authorized by Section 39-119, Idaho Code.

**SECTION 39-107D, IDAHO CODE, STATEMENT:** This rule regulates an activity not regulated by the federal government. The federal government does not regulate certification of drinking water system operators.

**NEGOTIATED RULEMAKING:** The text of the proposed rule has been drafted based on discussions held and concerns raised during a negotiation conducted pursuant to Section 67-5220, Idaho Code and IDAPA 04.11.01.812 - 815. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, May 7, 2003, Volume 03-5, pages 26 and 27.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.state.id.us/deq](http://www.state.id.us/deq).

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning this rulemaking, contact Chris Lavelle at (208) 373-0502 or [clavelle@deq.state.id.us](mailto:clavelle@deq.state.id.us).

Anyone may submit written comments on the proposed rule by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before September 3, 2003.

Dated this 25th day of June, 2003.

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(208)373-0418/Fax No. (208)373-0481  
[pgradwoh@deq.state.id.us](mailto:pgradwoh@deq.state.id.us)

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### THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0108-0301

#### **003. DEFINITIONS.**

The definitions set forth in 40 CFR 141.2, revised as of July 1, 2002, are herein incorporated by reference except for the definition of the terms "action level," "disinfection," "noncommunity water system," and "person". (5-3-03)

**01. ABC.** The abbreviation for "Association of Boards of Certification for Operating Personnel," an international organization representing water utility and pollution control certification boards. (4-5-00)

**02. Action Level.** The concentration of lead or copper in water that determines, in some cases, whether a water system must install corrosion control treatment, monitor source water, replace lead service lines, or undertake a public education program. (12-10-92)

**03. Administrator.** The Administrator of the United States Environmental Protection Agency. (4-5-00)

**04. Annual Samples.** Samples that are required once per calendar year. (12-10-92)

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- 05. Aquifer.** A geological formation of permeable saturated material, such as rock, sand, gravel, etc., capable of yielding an economic quantity of water to wells and springs. (5-3-03)
- 06. Available.** Based on system size, complexity, and source water quality, a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner. (4-5-00)
- 07. Average Daily Demand.** The volume of water used by a system on an average day based on a one (1) year period. (12-10-92)
- 08. Backflow.** The reverse from normal flow direction in a plumbing system or water system caused by back pressure or back siphonage. (12-10-92)
- 09. Board.** The Idaho Board of Environmental Quality. (5-3-03)
- 10. Capacity.** The capabilities required of a public drinking water system in order to achieve and maintain compliance with these rules and the requirements of the federal Safe Drinking Water Act. It is divided into three (3) main elements: (4-5-00)
- a.** Technical capacity means the system has the physical infrastructure to consistently meet drinking water quality standards and treatment requirements and is able to meet the requirements of routine and emergency operations. It further means the ability of system personnel to adequately operate and maintain the system and to otherwise implement technical knowledge. Certification and training of the operator(s) is required, as appropriate, for the system size and complexity. (4-5-00)
  - b.** Financial capacity means the financial resources of the water system, including an appropriate budget, rate structure, cash reserves sufficient for future needs and emergency situations, and adequate fiscal controls. (4-5-00)
  - c.** Managerial capacity means that the management structure of the water system embodies the aspects of water treatment operations, including, but not limited to; (4-5-00)
    - i. Short and long range planning; (4-5-00)
    - ii. Personnel management; (4-5-00)
    - iii. Fiduciary responsibility; (4-5-00)
    - iv. Emergency response; (4-5-00)
    - v. Customer responsiveness; (4-5-00)
    - vi. Source water protection; (4-5-00)
    - vii. Administrative functions such as billing and consumer awareness; and (4-5-00)
    - viii. Ability to meet the intent of the federal Safe Drinking Water Act. (4-5-00)
- 11. Certificate.** Documentation of competency issued by the Director stating that the person (to be certified) has met requirements for a specific classification of the certification program. (4-5-00)
- 12. Community Water System.** A public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. (12-10-92)
- 13. Composite Correction Program (CCP).** A systematic approach to identifying opportunities for improving the performance of water treatment and implementing changes that will capitalize on these opportunities. The CCP consists of two (2) elements: (4-5-00)

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**a.** Comprehensive Performance Evaluation (CPE). A thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The CPE must consist of at least the following components: assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report. (4-5-00)

**b.** Comprehensive Technical Assistance (CTA). The implementation phase that is carried out if the CPE results indicate improved performance potential. During the CTA phase, the system must identify and systematically address plant-specific factors. The CTA consists of follow-up to the CPE results, implementation of process control priority setting techniques, and maintaining long term involvement to systematically train staff and administrators. (4-5-00)

**14. Compositing Of Samples.** The mixing of up to five (5) samples by the laboratory. (4-5-00)

**15. Confining Layer.** A nearly impermeable subsurface stratum which is located adjacent to one (1) or more aquifers and does not yield a significant quantity of water to a well. (5-3-03)

**16. Confirmation Sample.** A sample of water taken from the same point in the system as the original sample and at a time as soon as possible after the original sample was taken. (12-10-92)

**17. Connection.** Each structure, facility, or single family residence which is connected to a water system, and which is or could be used for domestic purposes, is considered a single connection. Multi-family dwellings and apartment, condominium, and office complexes are considered single connections unless individual units are billed separately for water by the water system, in which case each such unit shall be considered a single connection. (10-1-93)

**18. Consumer.** Any person served by a public water system. (12-10-92)

**19. Consumer Confidence Report (CCR).** An annual report that community water systems must deliver to their customers. The reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner. (4-5-00)

**20. Contaminant.** Any physical, chemical, biological, or radiological substance or matter in water. (12-10-92)

**21. Continuing Education Unit (CEU).** An alternate unit (to semester or quarter systems) of formal credit assignment to post-secondary training activities, which is based upon regionally or nationally established and recognized education criteria. (4-5-00)

**22. Cross Connection.** Any actual or potential connection or piping arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system used water, water from any source other than an approved public water system, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Cross connections include bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices which, or because of which "backflow" can or may occur. (10-1-93)

**23. Department.** The Idaho Department of Environmental Quality. (12-10-92)

**24. Director.** The Director of the Department of Environmental Quality or his designee. (12-10-92)

**25. Disinfection.** Introduction of chlorine or other agent or process approved by the Department, in sufficient concentration and for the time required to kill or inactivate pathogenic and indicator organisms. (5-3-03)

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**26. Disinfection Profile.** A summary of daily Giardia lamblia inactivation through the drinking water treatment plant. The procedure for developing a disinfection profile is contained in 40 CFR 141.172 and 40 CFR 141.530-141.536. (5-3-03)

**27. Distribution System.** Any combination of pipes, tanks, pumps, and other equipment which delivers water from the source(s) and/or treatment facility(ies) to the consumer. Chlorination may be considered as a function of a distribution system. (4-5-00)( )

**28. Drinking Water System.** All mains, pipes, and structures through which water is obtained and distributed, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use. (12-10-92)

**29. DWIMS.** Idaho Department of Environmental Quality Drinking Water Information Management System. Replaced by SDWISS April 2001. (3-15-02)

**30. Enhanced Coagulation.** The addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment. Conventional filtration treatment is defined in 40 CFR 141.2. (5-3-03)

**31. Enhanced Softening.** The improved removal of disinfection byproduct precursors by precipitative softening. (4-5-00)

**32. Exemption.** A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only if the system demonstrates to the satisfaction of the Department that the system cannot comply due to compelling factors and the deferment does not cause an unreasonable risk to public health. (12-10-92)

**33. Fee Assessment.** A charge assessed on public drinking water systems based on a rate structure calculated by system size. (10-1-93)

**34. Filter Profile.** A graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed. (4-5-00)

**35. GAC10.** Granular activated carbon filter beds with an empty bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one hundred eighty (180) days. (4-5-00)

**36. Groundwater System.** A public water system which is supplied exclusively by a groundwater source or sources. (12-10-92)

**37. Groundwater Under The Direct Influence Of Surface Water.** Any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as Giardia lamblia or Cryptosporidium, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the State. The State determination of direct influence may be based on site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation. (5-3-03)

**38. Haloacetic Acids (Five) (HAA5).** The sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid) rounded to two (2) significant figures after addition. (4-5-00)

**39. Health Hazards.** Any condition which creates, or may create, a danger to the consumer's health. Health hazards may consist of, but are not limited to, design, construction, operational, structural, collection, storage, distribution, monitoring, treatment or water quality elements of a public water system. See also the definition of Significant Deficiency, which refers to a health hazard identified during a sanitary survey. (5-3-03)



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40. **Inorganic.** Generally refers to compounds that do not contain carbon and hydrogen. (12-10-92)
41. **Laboratory Certification Reciprocity.** Acceptance of a laboratory certification made by another state. Laboratory reciprocity may be granted to laboratories outside of Idaho after application, proof of home state certification, and EPA performance evaluation results are submitted and reviewed. Reciprocity must be renewed after a time specified by the Idaho Laboratory Certification Officer to remain valid. (4-5-00)
42. **Log.** Logarithm to the base ten (10). (12-10-92)
43. **Maximum Daily Consumption Rate.** The average rate of consumption for the twenty-four (24) hour period in which total consumption is the largest on record. (12-10-92)
44. **Maximum Hourly Demand.** The greatest volume of water used in any hour during a one (1) year period. (12-10-92)
45. **Maximum Residual Disinfectant Level (MRDL).** A level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. For chlorine and chloramines, a public water system is in compliance with the MRDL, when the running annual average of monthly averages of samples taken in the distribution system, computed quarterly, is less than or equal to the MRDL. For chlorine dioxide, a public water system is in compliance with the MRDL when daily samples are taken at the entrance to the distribution system and no two (2) consecutive daily samples exceed the MRDL. MRDLs are enforceable in the same manner as maximum contaminant levels under Section 1412 of the Safe Drinking Water Act. There is convincing evidence that addition of a disinfectant is necessary for control of waterborne microbial contaminants. Notwithstanding the MRDLs listed in 40 CFR 141.65, operators may increase residual disinfectant levels of chlorine or chloramines (but not chlorine dioxide) in the distribution system to a level and for a time necessary to protect public health to address specific microbiological contamination problems caused circumstances such as distribution line breaks, storm runoff events, source water contamination, or cross-connections. (4-5-00)
46. **Maximum Residual Disinfectant Level Goal (MRDLG).** The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants. (4-5-00)
47. **Method Detection Limit (MDL).** The lowest concentration which can be determined to be greater than zero with ninety-nine percent (99%) confidence, for a particular analytical method. (12-10-92)
48. **New System.** Any water system that meets, for the first time, the definition of a public water system provided in Section 1401 of the federal Safe Drinking Water Act (42 U.S.C. Section 300f). This includes systems that are entirely new construction and previously unregulated systems that are expanding. (4-5-00)
49. **Noncommunity Water System.** A public water system that is not a community water system. A non-community water system is either a transient noncommunity water system or a non-transient noncommunity water system. (4-5-00)
50. **Nontransient Noncommunity Water System.** A public water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year. (12-10-92)
51. **Nuclear Facility.** Factories, processing plants or other installations in which fissionable material is processed, nuclear reactors are operated, or spent (used) fuel material is processed, or stored. (12-10-92)
52. **Operator Certifying Entity.** An organization that contracts with the Department to provide public drinking water operator certification services. (4-5-00)
53. **Operating Experience.** The number of years spent at a drinking water system in performance of

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duties. (4-5-00)

**54. Operating Shift.** That period of time during which water system operator decisions that affect public health are necessary for proper operation of the system. (4-5-00)

**55. Operator/Owner/Purveyor Of Water/Supplier Of Water.** The person, company, corporation, association, or other organizational entity which holds legal title to the public water system, who provides, or intends to provide, drinking water to the customers and/or is ultimately responsible for the public water system operation. (4-5-00)

**56. Operator Reciprocity.** Means on a case by case basis the acceptance of certificates issued by other certification programs, which satisfy the state of Idaho requirements for operator certification. (4-5-00)

**57. Peak Hourly Flow.** The highest hourly flow during any day. (12-10-92)

**58. Person.** A human being, municipality, or other governmental or political subdivision or other public agency, or public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of the foregoing or other legal entity. (12-10-92)

**59. Pesticides.** Substances which meet the criteria for regulation pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, and any regulations adopted pursuant to FIFRA. For example, pesticides include, but are not limited to insecticides, fungicides, rodenticides, herbicides, and algacides. (12-10-92)

**60. Public Notice.** The notification of public water system consumers of information pertaining to that water system including information regarding water quality or compliance status of the water system. (12-10-92)

**61. Public Drinking Water System.** (4-5-00)

**a.** In General. A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public drinking water system is either a "community water system" or a "noncommunity water system". (4-5-00)

**b.** Connections. (4-5-00)

**i.** In General. For purposes of paragraph a. of this Subsection, a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if: (5-3-03)

(1) The water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses); (4-5-00)

(2) The Director determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or (4-5-00)

(3) The Director determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations. (4-5-00)

**ii.** Irrigation Districts. An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public drinking water system if the system or the residential or similar users of the system comply with paragraphs b.i.(2) and b.i.(3) of this Subsection. (5-3-03)

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c. Transition Period. A supplier of water that would be a public drinking water system only as a result of modifications made to the definition of a public drinking water system by the Safe Drinking Water Act Amendments of 1996 shall not be considered a public drinking water system for purposes of the Safe Drinking Water Act until the date that is two (2) years after the date of enactment of the Safe Drinking Water Act Amendments of 1996. If a supplier of water does not serve fifteen (15) service connections (as set forth in paragraphs a. and b. of this Subsection) or twenty-five (25) people at any time after the conclusion of the two (2) year period, the supplier of water shall not be considered a public drinking water system. (5-3-03)

62. **Public Water System/Water System/System.** Means “public drinking water system”. (4-5-00)

63. **Reciprocity.** A system by which certificates issued by any other certification program are recognized as valid and equal to Idaho’s Certification Program provision. (4-5-00)

64. **Repeat Compliance Period.** Any subsequent compliance period after the initial compliance period. (12-10-92)

65. **Responsible Charge (RC).** Responsible Charge means, active, daily on-site and/or on-call responsibility for the performance of operations or active, on-going, on-site and on-call direction of employees and assistants. (4-5-00)

66. **Responsible Charge Operator.** An operator of a public drinking water system, designated by the system owner, who holds a valid certificate at a class equal to or greater than the drinking water system classification, who is in responsible charge of the public drinking water system. ( )

667. **Sampling Point.** The location in a public water system from which a sample is drawn. (12-10-92)

678. **Sanitary Defects.** Any faulty structural condition which may allow the water supply to become contaminated. (12-10-92)

689. **Sanitary Survey.** An onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water. The sanitary survey will include, but is not limited to the following elements: (4-5-00)

- a. Source; (4-5-00)
- b. Treatment; (4-5-00)
- c. Distribution system; (4-5-00)
- d. Finished water storage; (4-5-00)
- e. Pumps, pump facilities, and controls; (4-5-00)
- f. Monitoring and reporting and data verification; (4-5-00)
- g. System management and operation; and (4-5-00)
- h. Operator compliance with state requirements. (4-5-00)

6970. **SDWIS-State.** An acronym that stands for “Safe Drinking Water Information System-State Version”. It is a software package developed under contract to the U.S. Environmental Protection Agency and used by a majority of U.S. states to collect, maintain, and report data about regulated public water systems. See also the definition of DWIMS. (5-3-03)

701. **Significant Deficiency.** As identified during a sanitary survey, any defect in a system’s design,

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operation, maintenance, or administration, as well as any failure or malfunction of any system component, that the Department or its agent determines to cause, or have potential to cause, risk to health or safety, or that could affect the reliable delivery of safe drinking water. See also the definition of Health Hazards. (5-3-03)

**742. Spring.** A source of water which flows from a laterally percolating water table's intersection with the surface or from a geological fault that allows the flow of water from an artesian aquifer. (12-10-92)

**73. Substitute Responsible Charge Operator.** An operator of a public drinking water system who holds a valid certificate at a class equal to or greater than the drinking water system classification, designated by the system owner to replace and to perform the duties of the responsible charge operator when the responsible charge operator is not available or accessible. ( )

**724. Surface Water System.** A public water system which is supplied by one (1) or more surface water sources or groundwater sources under the direct influence of surface water. Also called subpart H systems in applicable sections of 40 CFR Part 141. (4-5-00)

**735. Specific Ultraviolet Absorption (SUVA).** SUVA means Specific Ultraviolet Absorption at two hundred fifty-four (254) nanometers (nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wave length of two hundred fifty-four (254) nm (UV254) (in  $m^{-1}$ ) by its concentration of dissolved organic carbon (DOC) (in mg/l). (4-5-00)

**746. Total Organic Carbon (TOC).** Total organic carbon in mg/l measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two (2) significant figures. (4-5-00)

**757. Transient Noncommunity Water System.** A noncommunity water system which does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year. (10-1-93)

**768. Treatment Facility.** Any place(s) where a public drinking water system or nontransient noncommunity water system alters the physical or chemical characteristics of the drinking water. Chlorination may be considered as a function of a distribution system. (4-5-00)

**779. Turbidity.** A measure of the interference of light passage through water, or visual depth restriction due to the presence of suspended matter such as clay, silt, nonliving organic particulates, plankton and other microscopic organisms. Operationally, turbidity measurements are expressions of certain light scattering and absorbing properties of a water sample. Turbidity is measured by the Nephelometric method. (12-10-92)

**780. Uncovered Finished Water Storage Facility.** An uncovered tank, reservoir, or other facility that is used to store water that will undergo no further treatment except residual disinfection. (5-3-03)

**7981. Unregulated Contaminant.** Any substance that may affect the quality of water but for which a maximum contaminant level or treatment technique has not been established. (12-10-92)

**82. Validated Examination.** An exam that is independently reviewed by subject matter experts to ensure that the exam is based on an operator job analysis and is relevant and related to the classification of the system or facility. ( )

**803. Variance.** A temporary deferment of compliance with a maximum contaminant level or treatment technique requirement which may be granted only when the system demonstrates to the satisfaction of the Department that the raw water characteristics prevent compliance with the MCL or requirement after installation of the best available technology or treatment technique and the deferment does not cause an unreasonable risk to public health. (12-10-92)

**844. Very Small Public Drinking Water System.** A Community or Nontransient Noncommunity Public Water System that serves five hundred (500) persons or less and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion

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exchangers). (4-5-00)

**825. Volatile Organic Chemicals (VOCs).** VOCs are lightweight organic compounds that vaporize or evaporate easily. (10-1-93)

**836. Vulnerability Assessment.** A determination of the risk of future contamination of a public drinking water supply. (12-10-92)

**847. Waiver.** (12-10-92)

**a.** For the purposes of these rules, except Sections 550 through 552, “waiver” means the Department approval of a temporary reduction in sampling requirements for a particular contaminant. (10-1-93)

**b.** For purposes of Sections 550 through 552, “waiver” means a dismissal of any requirement of compliance. (12-10-92)

**c.** For the purposes of Section 010, “waiver” means the deferral of a fee assessment for a public drinking water system. (10-1-93)

**d.** For purposes of Subsection 5589.092 (Professional Growth Requirement), “waiver” means the deferral of the ~~annual~~ continuing education units (CEU) required for ~~annual~~ operator certification renewal for any certified operator deployed out of state or country due to active military service, when such deployment makes it impossible for the operator to accrue the required units by the ~~annual~~ certification renewal date (March 1). (5-3-03)( )

**858. Water For Human Consumption.** Water that is used by humans for drinking, bathing for purposes of personal hygiene (including hand-washing), showering, cooking, dishwashing, and maintaining oral hygiene. In common usage, the terms “culinary water”, “drinking water,” and “potable water” are frequently used as synonyms. (5-3-03)

**862. Water Main.** A pipe within a public water system which is under the control of the system operator and conveys water to two (2) or more service connections. The collection of water mains within a given water supply is called the distribution system. (5-3-03)

**8790. Water ~~System~~ Distribution Operator.** The person who is employed, retained, or appointed to conduct the tasks associated with routine day to day operation and maintenance of a public drinking water distribution system in order to safeguard the public health and environment. (4-5-00)( )

**91. Water Treatment Operator.** The person who is employed, retained, or appointed to conduct the tasks associated with routine day to day operation and maintenance of a public drinking water treatment facility in order to safeguard the public health and environment. ( )

### (BREAK IN CONTINUITY OF SECTIONS)

#### 553. CLASSIFICATION OF WATER SYSTEMS.

**01. Classification Requirement.** All community and nontransient noncommunity public drinking water systems will be classified based on indicators of potential health risks. (4-5-00)

**a.** ~~Classification of systems will be completed for every community and nontransient noncommunity public drinking water system using rating forms developed in accordance with~~ The Department shall develop classification criteria rating forms designed to obtain details about criteria in Subsection 553.02. (4-5-00)( )

**i.** The owner or designee of every community and nontransient noncommunity public drinking water

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system shall complete the classification criteria rating form(s) for the distribution system. ( )

ii. For any community or nontransient noncommunity public drinking water system utilizing a treatment facility(ies), the owner or designee must also complete the classification criteria rating form(s) provided by the Department for the drinking water treatment system(s). ( )

b. The Department shall review the classification criteria rating forms and classify the systems. ( )

~~bc.~~ The Department shall review ~~system~~ classifications ~~will be reviewed~~ at least every five (5) years ~~intervals and revised~~ ~~make revisions~~ to reflect changed conditions, if any. (4-5-00)( )

02. **Classification Criteria.** Community and nontransient noncommunity public drinking water ~~treatment facilities~~ and distribution systems shall be classified under a system that uses the following criteria: (4-5-00)( )

a. Complexity, size, and type of source water for treatment facilities, ~~(as determined by the guidelines established by the operator certifying entity).~~ (4-5-00)( )

b. Complexity and size of distribution systems. (4-5-00)

c. Other criteria deemed necessary to completely classify systems. (4-5-00)

d. The Department shall develop guidelines for applying the criteria set forth in Section 553. ( )

#### 554. CERTIFICATION OF WATER SYSTEM OPERATORS.

01. **System Operator Certification Requirement.** Owners of all community and nontransient noncommunity public drinking water systems must place the direct supervision of their drinking water system, including each treatment facility and/or distribution system, under the responsible charge of an operator ~~holding a valid certification equal to or greater than the classification of the drinking water system and/or distribution system.~~ (3-10-00)( )

02. **Responsible Charge Operator Certification Requirement.** ~~An Operator~~ in responsible charge ~~or equivalent of a community and or a nontransient noncommunity public drinking water systems in Idaho~~ must hold a valid certification equal to or greater than the classification of their water system, including each treatment facility, where present, and distribution system as determined by the Department. (3-10-00)( )

03. **Substitute Responsible Charge Operator Requirement.** At such times as the responsible charge operator is not available, a substitute responsible charge operator shall be designated to replace the responsible charge operator. ( )

034. **Shift Operator Requirement.** ~~Any community or nontransient noncommunity public drinking water system with multiple operating shifts must have~~ ~~A~~ a designated certified public drinking water system operator ~~must be~~ available for each operating shift. ~~An on-duty designated shift operator does not replace the requirements in Subsections 554.01 and 554.03 for responsible charge operator coverage during all operating shifts.~~ (3-10-00)( )

045. **Minimum Water Operator Certification Requirement.** All operating personnel at community and nontransient noncommunity public drinking water systems making process control/ system integrity decisions about water quality or quantity that affect public health must ~~be certified~~ hold a valid and current certificate. (3-10-00)( )

056. **Compliance Deadline.** All community and nontransient noncommunity public drinking water systems addressed in these rules shall be in compliance with these rules within two (2) years of April 15, 2000. (3-10-00)

067. **Qualifications For Certification.** To qualify for a certificate an applicant must meet requirements of employment, education, experience and examination as described in Sections 556 and 557. Applicants may also

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receive certification through reciprocity ~~upon evaluation of his or her qualifications and comparison of Idaho certification rules to those of another state on a case-by-case basis~~ as provided in Section 558. (3-10-00)( )

**078. Administration Of The Certification Program.** Administration of all aspects of the drinking water system operator certification program in Idaho shall be the responsibility of the Department. All administrative activities except enforcement may be contracted to an operator certifying entity. (3-10-00)

**089. Contractor Activities.** All administrative activities contracted to an operator certifying entity will be carried out in accordance with these rules. (3-10-00)

### 555. GRANDPARENTING.

**01. Grandparenting Certificate.** ~~A grandparenting certificate may only be issued to an existing operator in responsible charge of an existing public drinking water system. The grandparenting certificate will be site specific and non-transferable and can only be issued to an operator of a system that has demonstrated their competency to the director and which, because of state law changes to meet these guidelines, must have a certified operator for the first time.~~ Effective April 15, 2002, the Department shall not accept applications for grandparent certification. Operators holding an existing grandparent certificate must comply with all applicable provisions of these rules in order to maintain their certification. If an operator's grandparent certification lapses, is revoked, or is otherwise not renewed, the operator will be required to meet the current standards for certification set out in these rules. (4-5-00)( )

**02. Application Limitations.** ~~The system must apply for grandparenting within (2) two years of April 15, 2000.~~ **Grandparent Professional Growth Requirement.** In order to maintain an existing grandparent certification, grandparented operators must: (4-5-00)( )

**a.** In the first certification renewal cycle, complete a one (1) time training that covers all information included by the qualifying certification exam for the certification class the operator holds: ( )

**b.** Submit proof of completion of the required one (1) time training; and ( )

**c.** Following the first renewal cycle, the operator must meet the professional growth requirements in Subsection 559.02. ( )

**03. Certification Limitations.** ~~Upon receiving a grandparenting certificate the operator shall be required to meet renewal requirements including but not limited to continuing education and renewal fee requirements.~~ (4-5-00)

**04. Plant Classification Limitations.** ~~If the plant classification of the system changes to a higher classification then the grandparenting certification is no longer valid.~~ (4-5-00)

**05. Revocation.** ~~A grandparenting certification may be suspended, reduced or revoked by the Director if the system remains in non-compliance for a period of time or in the opinion of the Director the operator is not performing their duties in a satisfactory way.~~ (4-5-00)

**06. One System Limitation.** ~~An operator who is the operator in responsible charge of more than one (1) system shall not be grandparented.~~ (4-5-00)

### 556. CERTIFICATION REQUIREMENTS FOR ~~CERTIFICATION~~ A WATER TREATMENT OPERATOR.

Individuals requesting certification shall submit an application to the Department and meet the criteria in Section 556 to qualify for a certification classification in water treatment. Applicants shall be subject to an application fee not to exceed two hundred dollars (\$200) plus the actual cost of testing. ( )

**01. Employment Requirement.** Except for ~~OT~~ Operator-In-Training Classification, applicants for certification must be currently employed or working in the drinking water field. (4-5-00)( )

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**02. Examination Requirement.** Applicants must pass a written validated examination with a score of seventy percent (70%) or better. The examination will reflect different levels of knowledge, ability and judgement required for the established certification classes. Examinations will be administered in accordance with established examination procedures. (4-5-00)(\_\_\_\_)

**03. Education And Experience Requirements**~~For Public Drinking Water Operators.~~ (4-5-00)(\_\_\_\_)

**a. Basic Education and Experience Certification Requirements.** (\_\_\_\_)

**a.i.** To qualify for an Operator-In-Training Water Treatment Certificate, an operator must have a high school diploma or GED and pass an Operator-In-Training exam. After passing an Operator-In-Training exam, a "one (1) time" non-renewable certificate of "Operator-In-Training" will be issued. This certificate will be valid for three (3) years only. After working one (1) year in the field and with no further testing required, the Operator-In-Training will be issued a Class I Water Treatment Certificate upon written request to the Director with proof of twelve (12) months of operating experience in a Class I or higher water system and treatment facility. (4-5-00)(\_\_\_\_)

~~**b.** To qualify for a Very Small Public Drinking Water System certificate an operator must have a high school diploma or GED and six (6) months of acceptable experience operating a very small water system or a higher system.~~ (4-5-00)

**eii.** To qualify for a Class I certificate an operator must have a high school diploma or GED and one (1) year of acceptable operating experience ~~of in~~ a Class I or higher ~~system and/or~~ treatment facility. (4-5-00)(\_\_\_\_)

~~**iii.**~~ To qualify for a Class II certificate an operator must have a high school diploma or GED and three (3) years of acceptable operating experience ~~of in~~ a Class I or higher ~~system and/or~~ treatment facility. (4-5-00)(\_\_\_\_)

**eiv.** To qualify for a Class III certificate an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience ~~of in~~ a Class II or higher ~~system and/or~~ treatment facility, including two (2) years ~~of responsible charge active, daily, on-site charge of personnel or a major segment of a system in the same or next lower class.~~ (4-5-00)(\_\_\_\_)

**fv.** To qualify for a Class IV certificate an operator must have a high school diploma or GED; ~~and~~ four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience ~~of in~~ a Class III or higher ~~system and/or~~ treatment facility, including two (2) years ~~of responsible charge active, daily, on-site charge of personnel or a major segment of a system in the same or next lower class.~~ (4-5-00)(\_\_\_\_)

~~**04b.**~~ Substituting Education for Experience. Applicants may substitute education for operating and responsible charge experience as specified below: (4-5-00)

**a.i.** For ~~Very Small Water System and~~ Class I, no substitution for operating experience shall be permitted. (4-5-00)(\_\_\_\_)

~~**b.ii.**~~ For Class II, a maximum of one and one-half (1 ½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1 ½) years of operating experience. (4-5-00)

**eiii.** For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience; however the applicant must still have one (1) year of ~~responsible charge experience active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class.~~ (4-5-00)(\_\_\_\_)

~~**div.**~~ Education ~~applied to~~ substituted for operating experience shall not also be applied to education requirement. (4-5-00)(\_\_\_\_)

**ev.** One (1) year of ~~education above the post high school level~~ education, other than described in Subsections 556.03.b.ii. and 556.03.b.iii. may be substituted for one (1) year experience, up to a maximum of fifty



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percent (50%) of ~~the~~ required operating or ~~responsible charge experience~~ active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class. (4-5-00)(\_\_\_\_)

~~05c.~~ Substituting Experience for Education. Where applicable, operating and responsible charge experience or operating and active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class experience may be substituted for education as specified below: (4-5-00)(\_\_\_\_)

~~a~~i. One (1) year of operating experience may be substituted for two (2) years of grade school with no limitation or one (1) year high school with no limitation. (4-5-00)

~~b~~ii. For Class III and IV, additional responsible charge experience (that exceeding the two (2) year class requirements) may be substituted for post high school education on a two (2) for one (1) basis: two (2) years additional responsible charge = equals one (1) post high school education. (4-5-00)(\_\_\_\_)

~~ed.~~ Related Substituting ~~e~~Experience ~~may be substituted for e~~Experience. Where applicable, up to one-half (½) of the operating experience requirement for Class II, III and IV: may be substituted for ~~E~~experience that ~~may be substituted~~ includes, but is not limited to, the following: (4-5-00)(\_\_\_\_)

- i. Experience as an environmental or operations consultant; (4-5-00)
- ii. Experience in an environmental or engineering branch of federal, state, county, or local government; (4-5-00)
- iii. Experience as a wastewater collection system operator; (4-5-00)
- iv. Experience as a wastewater treatment plant operator; (4-5-00)
- v. Experience as a water distribution system operator and/or manager; (4-5-00)
- vi. Experience as a water treatment plant operator; or (4-5-00)
- vii. Experience in waste treatment operation and maintenance. (4-5-00)

~~06e.~~ Equivalency Policy for Education or Experience Substitutions. Substitutions for education or experience requirements needed to meet minimum requirements for certification will be evaluated upon the following equivalency policies: (4-5-00)(\_\_\_\_)

~~a~~i. High School – High School diploma = a GED = or other equivalent = ~~twelve (12) years.~~ (4-5-00)(\_\_\_\_)

~~b~~ii. College – Thirty-five (35) credits = equals one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields). (4-5-00)(\_\_\_\_)

~~e~~iii. Continuing Education Units (CEU) for specialized relevant operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours = equals one (1) CEU; forty-five (45) CEUs = equals one (1) year of college. (4-5-00)(\_\_\_\_)

### 557. CERTIFICATION REQUIREMENTS FOR A WATER DISTRIBUTION OPERATOR.

Individuals requesting certification shall submit an application to the Department and meet the criteria in Section 557 to qualify for a certification classification in water distribution. Applicants shall be subject to an application fee not to exceed two hundred dollars (\$200) plus the actual cost of testing. (\_\_\_\_)

01. Employment Requirement. Except for Operator-In-Training Classification, applicants for certification must be currently employed or working in the drinking water field. (\_\_\_\_)

02. Examination Requirement. Applicants must pass a written validated examination with a score of seventy percent (70%) or better. The examination will reflect different levels of knowledge, ability and judgment

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required for the established certification classes. Examinations will be administered in accordance with established examination procedures. ( )

**03. Education And Experience Requirements.** ( )

**a. Basic Education and Experience Certification Requirements.** ( )

i. To qualify for an Operator-In-Training Water Distribution Certificate, an operator must have a high school diploma or GED and pass either a Very Small Water System Operator-In-Training exam or a Class I Operator-In-Training exam. ( )

(1) After passing a Very Small Water System Operator-In-Training exam, a "one (1) time" non-renewable certificate of "VSWWS Operator-In-Training" will be issued. This certificate will be valid for three (3) years only. After working six (6) months in the field and with no further testing required, the VSWWS Operator-In-Training will be issued a VSWWS Certificate upon written request to the Director with proof of six (6) months of operating experience in a VSWWS or higher water distribution system. ( )

(2) After passing a Class I Operator-In-Training exam, a "one (1) time" non-renewable certificate of "Class I Operator-In-Training" will be issued. This certificate will be valid for three (3) years only. After working one (1) year in the field and with no further testing required, the Class I Operator-In-Training will be issued a Class I Certificate upon written request to the Director with proof of twelve (12) months of operating experience in a Class I or higher water distribution system. ( )

ii. To qualify for a Very Small Public Drinking Water System certificate, an operator must have a high school diploma or GED and six (6) months of acceptable experience operating a very small water system or a higher distribution system. ( )

iii. To qualify for a Class I certificate, an operator must have a high school diploma or GED and one (1) year of acceptable operating experience in a Class I or higher distribution system. ( )

iv. To qualify for a Class II certificate, an operator must have a high school diploma or GED and three (3) years of acceptable operating experience. ( )

v. To qualify for a Class III certificate, an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience. ( )

vi. To qualify for a Class IV certificate, an operator must have a high school diploma or GED; four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience. ( )

**b. Substituting Education for Experience. Applicants may substitute education for operating and responsible charge experience as specified below:** ( )

i. For Very Small Water System and Class I, no substitution for operating experience shall be permitted. ( )

ii. For Class II, a maximum of one and one-half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1½) years of operating experience. ( )

iii. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience. ( )

iv. Education substituted for operating experience shall not also be applied to education requirement. ( )

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v. One (1) year of post high school education, other than described in Subsections 557.3.b.ii. and 557.03.b.iii. may be substituted for one (1) year experience, up to a maximum of fifty percent (50%) of the required operating or active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class. ( )

c. Substituting Experience for Education. Where applicable, operating and responsible charge experience or operating and active, daily, on-site charge of personnel or a major segment of a system or facility in the same or next lower class experience may be substituted for education as specified below: ( )

i. One (1) year of operating experience may be substituted for two (2) years of grade school with no limitation or one (1) year high school with no limitation. ( )

ii. For Class III and IV, responsible charge experience may be substituted for post high school education on a two (2) for one (1) basis: two (2) years responsible charge equals one (1) post high school education. ( )

d. Substituting Experience for Experience. Where applicable, up to one-half (½) of the operating experience requirement for Class II, III and IV may be substituted for experience that includes, but is not limited to, the following: ( )

i. Experience as an environmental or operations consultant; ( )

ii. Experience in an environmental or engineering branch of federal, state, county, or local government; ( )

iii. Experience as a wastewater collection system operator; ( )

iv. Experience as a wastewater treatment facility operator; ( )

v. Experience as a water distribution system operator and/or manager; ( )

vi. Experience as a water treatment plant operator; or ( )

vii. Experience in waste treatment operation and maintenance. ( )

e. Equivalency Policy for Education or Experience Substitutions. Substitutions for education or experience requirements needed to meet minimum requirements for certification will be evaluated upon the following equivalency policies: ( )

i. High School - High School diploma, a GED, or other equivalent. ( )

ii. College - Thirty-five (35) credits equals one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields). ( )

iii. Continuing Education Units (CEU) for relevant operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours equals one (1) CEU; forty-five (45) CEUs equals one (1) year of college. ( )

### 5578. RECIPROCITY REQUIREMENTS.

Individuals requesting certification by reciprocity shall submit an application to the Department. The Director may waive examination requirements ~~for~~ and issue a certificate to applicants holding certificates or licenses issued by other States which have equivalent certification requirements upon presentation of proof of such licensing and credentials consistent with Idaho certification requirements. A certificate of appropriate class will be issued. Applicants shall be subject to an application certification fee to cover processing costs not to exceed two hundred dollars (\$200). ~~(4-5-00)~~( )

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### 5589. CERTIFICATES ~~ISSUANCE~~ AND RENEWALS ~~REQUIREMENTS~~.

**01. Certificate Issuance.** A renewal certificate signed by the Director will be issued to the applicant, designating his or her level of operating competency. ~~Upon satisfying satisfaction of the requirements of in one (1) or more of the following sections: 556, a certificate will be issued to the applicant designating his level of operating competency.~~ (4-5-00)( )

**a.** Section 555, Grandparenting; ( )

**b.** Section 556, Certification Requirements for a Water Treatment Operator; ( )

**c.** Section 557, Certification Requirements for a Water Distribution Operator; ( )

**d.** Section 558, Reciprocity Requirements; and ( )

**e.** Section 559, Certificate Issuance and Renewal Requirements. ( )

**02. Certificate Renewal.** ~~Certificates shall be subject to payment of annual renewal fees and professional growth requirements. Operators shall be subject to payment of fees and professional growth requirements in accordance with the following criteria, to qualify for certificate renewal:~~ (4-5-00)( )

**a.** Renewal fees shall not exceed two hundred dollars (\$200) for each two (2) year period. ( )

**b.** Certificates shall be valid for two (2) years, beginning on March 1 of the year of issuance. ( )

**c.** An operator shall submit satisfactory evidence of completion of approved training of a minimum of one point two (1.2) CEUs as a condition for renewal of the certificate. ( )

**d.** A Water System Operator holding more than one (1) certificate issued under these rules need only complete the training required to satisfy renewal requirements for one (1) of these water certificates. ( )

**03. Attaining Higher Certification Level.** ~~Certified Water System Operators who desire to become certified in a higher grade must satisfactorily complete the higher grade requirements before a new certificate will be issued.~~ (4-5-00)

**043. Invalidation Of Certificates.** Certificates for which ~~annual the renewal card applications fees and~~ evidence of completion of approved training, as referenced in Subsection 559.02, are not received within sixty (60) days after the expiration date ~~or which do not satisfy the professional growth requirement of Subsection 558.09 will be~~ are invalid. (4-5-00)( )

**054. Renewal Of Invalidated Certificates.** Water System Operators whose certificates are invalidated may ~~be renewed up to the certification by applying for renewal within~~ two (2) years ~~provided of the date of~~ invalidation. The application shall include appropriate proof of competency ~~is presented and applicable~~ reinstatement fees ~~are paid~~. Certificates that remain invalidated for two (2) years or more shall not be renewed. (4-5-00)( )

**065. Recertification.** Water System Operators who have failed to renew ~~or qualify for renewal of~~ invalidated certificate(s) ~~beyond~~ for two (2) years ~~or more are not eligible for renewal and must recertify and provide~~ appropriate proof of competency. (4-5-00)( )

**07. Certificate Issuance.** ~~Appropriate classification will be issued to public drinking water system operators, who on the effective date of a mandatory program hold certificates of competency attained by examination under the voluntary program.~~ (4-5-00)

**08. Certificate Signatures.** ~~Certificates shall be signed by the Chairman and Secretary of the operator certifying entity.~~ (4-5-00)

**09. Professional Growth Requirement.** ~~Renewal of a certificate shall be based on demonstrations of~~

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*continued professional growth in the field. A public drinking water system operator shall submit satisfactory evidence of completion of approved training of a minimum point six (0.6) CEUs as a condition for renewal of the certificate. The Water System Operator shall complete the required point six (0.6) CEUs after March 1 of the year preceeding the renewal year. It is the obligation of the Water System Operator to present proof of CEUs along with the renewal fee. A Water System Operator holding more than one (1) certificate issued under these rules need only complete the training required to satisfy renewal requirements for one (1) of these certificates.* (4-5-00)

**10. Grandparented Certificate Renewal.** *In the first annual certification renewal cycle, grandparented operators shall complete and show documentation of completion of training that includes all information covered by the initial certification exam.* (4-5-00)

### **55960. CONTRACTING FOR SERVICES.**

Water systems that do not have a certified public drinking water system operator may contract with a certified public drinking water system operator or with a public drinking water system having certified operators to provide supervision. The contracted public drinking water system operator or contracted entity shall ~~be~~ **employ an operator** certified at the grade classification equal to or greater than the classification of the ~~plant or treatment or distribution~~ system. (4-5-00)( )

**01. Supervision.** For supervision required in this rule to be sufficient, the contracted certified water system operator or contracted entity shall: (4-5-00)

a. Be available on twenty-four (24) hour call and able to respond onsite upon request. (4-5-00)

b. Report the results of analyses or measurements that indicate maximum contaminant levels have been exceeded or that minimum treatment levels are not maintained and report the results of these analyses to the operator, owner, purveyor or supplier of water. (4-5-00)

c. Recommend corrective action when the results of analyses or measurements indicate maximum contaminant levels have been exceeded or minimum treatment levels are not maintained. (4-5-00)

d. Recommend that all elements of routine operation and maintenance of the water system are completed in accordance with accepted public health practice and these rules. (4-5-00)

**02. Proof Of Contract.** Proof of the contract shall be submitted to the Department. (4-5-00)

### **5601. PENALTIES.**

The Director may assess penalties in accordance with the following provisions: (4-5-00)

**01. General Authority.** ~~Violations of these rules shall be punishable~~ The Department shall enforce these rules and seek those remedies as provided in Title 39, Chapter 1, Idaho Code. (4-5-00)( )

**02. Falsification And Forgery.** ~~Every~~ Any person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office within this state, which instrument, if genuine, might be filed or registered, or recorded under any law of this state, or of the United States, is guilty of a felony. Section 18-3203, Idaho Code. (4-5-00)( )

**03. Civil Penalties.** Pursuant to Section 39-108, Idaho Code, any person who violates these rules shall be subject to a civil penalty. Each and every violation is a separate and distinct offense and for continuing violations, each day's violation is separate and distinct. (4-5-00)

### **5642. SUSPENSION, ~~REDUCTION~~ OR REVOCATION.**

**01. Suspend, ~~Reduce~~ Or Revoke An Operator's Certificate.** The Director may suspend, ~~reduce~~ or revoke ~~the a water operator's certificate of an Operator~~ following notice and pending an opportunity for a hearing before the Board when any of the following conditions are found: (4-5-00)( )

a. ~~It is found that the Water System Operator~~ The individual holding the water certificate has engaged in misconduct in the performance of his or her operator duties such as fraud, falsification of ~~the an~~ application, or

## 2004 - Environmental Affairs House Fee Rule (Green)

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**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Idaho Rules for Public Drinking Water Systems****Docket No. 58-0108-0301 - Fee Rule**  
**Proposed Rulemaking**

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falsification of operating records.

~~(4-5-00)~~( )

**b.** ~~The Water System Operator is found to be grossly negligent in the performance of his duties~~  
individual holding the water certificate has been convicted of a crime involving a violation of any drinking water rule  
or statute.

~~(4-5-00)~~( )

**c.** ~~It is found that the Water System Operator~~ The individual holding the water certificate has failed to  
use reasonable care and judgement in the performance of his or her duties as described in the definition of "Water  
Distribution Operator" or the definition of "Water Treatment Operator" found in Section 003 of these rules, or the  
application of his or her knowledge and ability in the performance of his or her duties is unsatisfactory.

~~(4-5-00)~~( )

**d.** Operators receiving revocations as provided in Subsection 562.01.a. are not eligible to reapply for  
certification for a period of five (5) years from the date of revocation. Operators receiving revocations as provided in  
Subsection 562.01.b. are not eligible to reapply for certification for a period of three (3) years from the date of  
revocation.

( )

**02. Appeals.** In the event of a decision to suspend, ~~reduce~~ or revoke a certificate under the conditions  
set forth in this section, the holder of that certificate may appeal the decision as provided for in Sections 39-107(6)  
and 39-107(7), Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of  
Environmental Quality".

~~(3-15-02)~~( )

### **5623. ADVISORY GROUP.**

Stakeholder Involvement. Ongoing stakeholder involvement will be provided through the existing drinking water  
advisory committee at the Department.

(4-5-00)

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